

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
: ----- X

- v. -
FANG JIE HE,
a/k/a "Richard He,"

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: JAN 25 2017
INDICTMENT

17 CRIM 059.

COUNT ONE
(Conspiracy to Commit Ivory Smuggling)

The Grand Jury charges:

Overview of the Scheme

1. From at least in our about December 2012, up to and including at least in or about June 2013, FANG JIE, HE, a/k/a "Richard He," the defendant, a Chinese national, engaged in a conspiracy with an individual not named herein ("CC-1") to obtain products made out of ivory from auction houses located throughout the world, ship those products to CC-1, and then smuggle those products to HE in China.

2. FANG JIE, HE, a/k/a "Richard He," the defendant, placed orders for hundreds of thousands of dollars' worth of ivory items from auction house around the word, including an auction house located in California where CC-1 served as the manager. HE arranged for those ivory items to be sent to CC-1 in California, and then arranged for CC-1 to send those items to

JUDGE BUCHWALD

HE in China, without the permits required under United States law and with false and misleading statements on the shipping labels.

Statutory Allegations

3. From at least in or about December 2012, up to and including at least in or about June 2013, in the Southern District of New York and elsewhere, FANG JIE HE, a/k/a "Richard He," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 554.

4. It was a part and an object of the conspiracy that FANG JIE HE, a/k/a "Richard He," the defendant, and others known and unknown, would and did fraudulently and knowingly export and send from the United States, and attempt to export and send from the United States, merchandise, articles, and objects contrary to United States laws and regulations, and receive, conceal, buy, sell and facilitate the transportation, concealment, and sale of such merchandise, articles and objects, prior to exportation, knowing the same to be intended for exportation contrary to United States laws and regulations, to wit, HE arranged for CC-1 to export elephant ivory to HE in

China, knowing such exportation to be contrary to United States law.

Overt Acts

5. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about December 9, 2012, FANG JIE HE, a/k/a "Richard He," the defendant, purchased approximately \$40,000 worth of ivory items by using an online auction site based in Manhattan, New York.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATIONS

6. As a result of committing the offense alleged in Count One of the Indictment, FANG JIE HE, a/k/a "Richard He," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the commission of the offense alleged in Count One,

including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

Substitute Asset Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

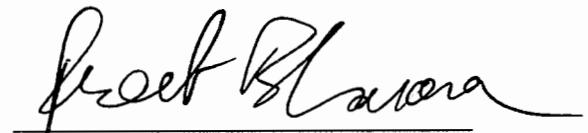
e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property

of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981; Title 21, United States Code, Sections 853; and Title 28, United States Code, Section 2461.)



Debra Mather
FOREPERSON



Preet Bharara
PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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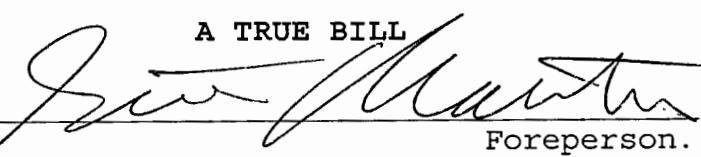
17 Cr.

(18 U.S.C. §371.)

PREET BHARARA

United States Attorney.

A TRUE BILL



Foreperson.

1/25/17 - Filed Indictment
DA Case assigned to Bushwell
